IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3580 OF 2005

IN

FIRST APPEAL STAMP NO. 15483 OF 2005

Mahadeo @ Mahadevayya S.Swami ..Appellant

versus

Vaishali Mahadeo @ Mahadevayya Swami ..Respondent

Mr. A. G. Toraskar for the Appellant.

Mr. A. Tejane for the Respondent.

CORAM : D. G. DESHPANDE,J.

DATE : 21ST OCTOBER,2005

P.C. :

1. Heard.

2. Appellant is the husband against whom a decree for divorce and maintenance is passed. He has filed this appeal. Delay is of 297 days. The appeal came to be filed only after the appellant got services of the Advocate from the Legal Aid

Committee of the High Court, and therefore, in this process delay occurred.

3. The application is strongly opposed by the counsel for the respondent on the ground that there is no explanation for the delay, much less satisfactory explanation. However, when the appeal came to be filed in the aforesaid circumstances, the delay, though inordinate has to be condoned looking also to the fact that it is a divorce petition of the wife which was allowed by the trial court. Counsel for the respondent also contended that in any case the delay should not be condoned without awarding costs. Therefore, order :

ORDER

. Delay is condoned subject to payment of cost of Rs.1,000/- (Rupees One Thousand). Payment of cost condition precedent. Cost to be paid within four weeks from today. Civil Application disposed of.

. Put up appeal for admission thereafter.

21.10.2005 (D.G. DESHPANDE, J.)